

Serial No. 10/607,802
Examiner: Bradford F. Fritz

REMARKS

The Application has been carefully reviewed in light of the Final Office Action mailed December 9, 2008. At the time of the Final Office Action, claims 1-11, 13-21 and 23-76 were pending in the Application and all pending claims were rejected. In the December 9, 2008 Final Office Action, the Examiner took the following actions: (I) objected to the drawings under 37 CFR 1.84(i); (II) rejected claims 1-11, 13-21 and 23-76 under 35 U.S.C. §112(1 and 2) and (III) rejected claims 1-11, 13-21 and 23-76 under 35 U.S.C. § 103(a) as being unpatentable over Summers (U.S. Patent No. 6,876,734) in view of Roseman (U.S. Patent No. 6,608,636) and further in view of Christofferson (U.S. Patent No. 7,006,616) and Hales (U.S. Patent No. 6,288,739).

Claims 1, 50, 56, 63 and 71 have been amended and remarks addressing the previous rejections have been presented herein. The Applicants respectfully request reconsideration and favorable action in this case.

I. **Objection to the Drawings Under 37 CFR 1.84(i)**

The drawings were objected to because FIG. 5 allegedly has words that are not in a horizontal left-to-right fashion when the figures are held either widthwise or lengthwise. Previously, a replacement sheet for FIG. 8 was filed because it had this defect. However, Applicant cannot locate any words on FIG. 5 that do not appear in a left-to-right fashion when the page containing FIG. 5 is rotated to make the top of the sheet the right side of the sheet. Hence, Applicant requests that Examiner specify which words do not appear in an appropriate fashion to allow suitable replacement drawings to be filed, if necessary.

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II. Rejection Under 35 U.S.C. § 112

Examiner rejected all of the claims under 35 U.S.C. §112(1), alleging that the claims contained subject matter that was not described in the specification at the time the application was filed. Namely, the Examiner noted that the “wherein participants of the Avatar conference must be a subset of participants in the conference” limitation had “must be” added to replace “are” in the previous version. Hence, “must be” has been removed and “are” of the previous version has been reinserted in all independent claims.

Examiner rejected all of the claims under 35 U.S.C. §112(2), alleging that there is insufficient antecedent basis for the limitation “the conference” in the independent claims. Suitable amendments to the independent claims to include “a conference” and “an avatar conference” now make it clear that two separate conferences exist.

III. Rejection Under 35 U.S.C. § 103(a)

Claims 1-11, 13-21 and 23-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Summers in view of Roseman and further in view of Christofferson and Hales (newly cited prior art).

Hales was cited as disclosing the limitations of “wherein participants of the Avatar conference must be a subset of participants in the conference” and “wherein an incarnation of the member administrator resides as the administrator in the avatar conference with all the capabilities that the member administrator has in the conference.”

However, Hales does not in fact disclose a member administrator in the Avatar conference with all the capabilities that the member administrator has in the conference. The member administrator of the present application is the one that creates, controls, names, adjourns and has a password for the conference. See Application, p. 9. However, the cited portion of Hales (column 14, lines 19-30) only discloses a system administrator that has the

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power to monitor all conferences (both the conference and the avatar conference), switching the output audio to and from one conference to the other or listening to them simultaneously. There is no mention of these other capabilities of the member administrator of the present application.

In view of the amendments and the associated remarks, claims 1, 50, 56, 63 and 71, and all claims dependent thereon, are patentable under 35 U.S.C. 103(a) over the cited references (individually and in any combination) because they recite features, structure and/or function not present in, configured for being provided by, capable of being provided by or intended to be provided by any combination of the cited references. Accordingly, the Applicants submit that the rejection under 35 U.S.C. § 103(a) applied to claims 1-11, 13-21 and 23-76 as being unpatentable over Summers in view of Roseman and further in view of Christofferson and Hales is overcome and respectfully request the Office withdraw the rejection asserted against claims 1-11, 13-21 and 23-76 under 35 U.S.C. § 103(a).

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The Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicants respectfully request full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicants invite the Examiner to contact the undersigned at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

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